

IN THE SUPREME COURT OF IOWA

**IN THE MATTER OF THE
RETENTION OF A PRIVATE
COURT REPORTER IN A
CIVIL CASE: AMENDMENT TO
JANUARY 6, 2010
SUPERVISORY ORDER**

SUPERVISORY ORDER

On January 6, 2010, in response to the recommendation of the Judicial Council, this court issued a supervisory order that authorized parties to civil cases to retain a private court reporter at their own expense under certain circumstances. This process was designed to enable parties to proceed with a trial when the unavailability of an official court reporter threatens to delay the trial. The availability of official court reporters has been a problem since the judicial branch was compelled to reduce all components of its statewide workforce to cope with the reduction of its appropriation by the legislature.

Presently, the process for retaining a private court reporter requires consent among all parties to a case. In addition, one or more of the parties must agree to cover the initial expense of the court reporter. The fees and mileage of the reporter, however, are taxed as costs of the action. It has come to the attention of the Judicial Council that some parties may refuse to consent to this process as a way to gain a tactical advantage in the case. The Judicial Council recommends that the court modify this process to allow a trial to proceed if one party agrees to cover the cost of a private court reporter without having the expense taxed as costs. The court agrees with this recommendation.

Accordingly, in addition to the procedures set out in the January 6, 2010 supervisory order regarding the retention of a private court reporter (see attached) the court approves the following:

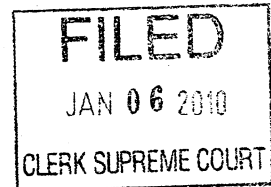
If the parties cannot agree to the use of a private certified court reporter, the trial may proceed if one party is willing to retain a court reporter at its own expense without having the compensation and mileage expenses of the court reporter taxed as costs. The court shall, however, assess the fee authorized by Iowa Code section 625.8(2) against the other party or proportionately among the other parties who did not contribute to the expense of the private court reporter.

This order takes effect immediately.

Dated this 24th day of November, 2010.

THE SUPREME COURT OF IOWA

By Marsha Ternus
Marsha K. Ternus, Chief Justice



IN THE SUPREME COURT OF IOWA

**IN THE MATTER OF PRIVATE
RETENTION OF COURT
REPORTERS IN CIVIL CASES**

SUPERVISORY ORDER

As part of the recent reduction in court personnel necessitated by the state's financial crisis, the Judicial Branch significantly reduced its workforce, including its court reporting staff. Due to the reduced number of court reporters and the need to concentrate court resources on high-priority cases, the chief judges anticipate that on occasion there may not be a court reporter available to record a hearing or trial in a non-priority civil case. To avoid delays or postponements that might result from this situation, the supreme court will authorize parties to civil cases to retain at their own expense court reporters under certain circumstances.

Accordingly, the following provisions shall apply when a civil case has been scheduled for trial or hearing and a court reporter is unavailable.

1. With the consent of all parties to any civil case, one or more parties may retain at their own initial expense a certified shorthand reporter to report any proceeding and provide courtroom assistance to the judge for that proceeding. The party or parties agreeing to retain a reporter shall notify the district court administrator who shall select the reporter from a roster of shorthand reporters to be maintained by each district court administrator. Such roster shall, in the following order, include: any official reporter currently employed part-time by the judicial branch; any former official court reporter affected by the FY10 reduction in force; any private certified shorthand reporter.
2. The fees for such private retention of reporters shall be no more than \$250 per day or \$150 per half day. Reporters shall also be compensated for their travel to the proceeding at the rate set by the supreme court for official judicial branch duties pursuant to Iowa Court Rule 22.18(2).
3. The district court administrator shall inform the party or parties retaining the reporter of the name and contact information of the reporter selected. The party or parties retaining the reporter shall then make arrangements with the reporter prior to the proceeding that is to be reported for payment of the reporter's fees. The arrangement shall be placed in the record.

4. Fees and mileage expenses of the reporter shall be taxed as costs of the action.
5. At the end of each reported proceeding, the reporter shall file the official notes with the clerk of court and shall comply with the requirements of Iowa Rule of Civil Procedure 1.903. If requested to transcribe the official notes, the reporter may charge those amounts set forth in Iowa Court Rule 22.28.

Dated this 6th day of January, 2010.

THE SUPREME COURT OF IOWA

By Marsha Ternus
Marsha K. Ternus, Chief Justice